

**REMARKS**

Claims 1-32 are pending in the application. Applicant acknowledges with appreciation the indication of patentable subject matter in claims 5-10, 15-21 and 26-31, but respectfully requests reconsideration of the application and allowance of all claims in view of the following remarks.

The present invention relates to processing of a received spread spectrum system, wherein information symbols carried in the received signal are estimated by a signal process which takes into account a plurality of propagation paths. There are several criteria which can be used to choose the particular paths to be taken into account in estimating the received symbols, and according to the present invention one of these criteria is selected as a function of measured data relating to the energy distribution in the propagation profile of a propagation channel between sender and receiver.

It is important to note that the claim does not recite that the received symbols are estimated based on an energy distribution, nor do the claims recite that a particular path or paths are selected based on an energy distribution. What the claims do recite is that the ***criterion*** that is selected for use in choosing path(s) is selected according to measured data relating to an energy distribution.

The examiner has now relied on Bejjani et al (USP 6,430,166) in rejecting the claims, and directs attention to the path searcher 3. As described lines 44-50 of column 3, the function of the path searcher 3 is to estimate the number and locations of the paths that make up the propagation channel. As described at lines 44-60 of column 3, the path searcher determines an instantaneous power profile of energy distribution in plural paths, and then selects the paths with power

densities above a predetermined threshold. The patentees point out in the Background discussion that it is conventional to perform path selection independently for dedicated and common channels, but this is inefficient. Accordingly, to improve performance of the path selection, Bejjani et al performs the two different path selections in series rather than in parallel. In a first stage, path selection is performed based on the common channels to select a set S1 of paths by performing a full path search using the common channels. After the set S1 of paths is selected in this manner, the selection process is applied again, but this time only to the set S1 of channels selected in the first stage.

Considering Bejjani et al in the context of the rejection claims, and with specific reference to claim 1, there is no discussion in Bejjani et al of several path selection criteria, nor the selection of one of those several criteria to be used in choosing which paths to use when estimating information symbols. And there is certainly no suggestion that a particular criterion should be selected based on an energy distribution.

The examiner refers to Fig. 4 and the two stage path selection process of Bejjani et al, but a two stage process does not mean that different selection criteria are selected base on different energy distributions. Whatever energy distribution exists, the path selection *criteria* used by the first stage selection will be the same. Similarly, whatever energy distribution exists, the path selection *criteria* used by the second stage selection will be the same. While different energy distributions may well result in choosing different paths, there is no discussion anywhere in Bejjani et al of using different *path selection criteria* in response to different energy distribution data.

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Independent claims 11, 22 and 32 distinguish over the prior art for the same reason as claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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/DJCushing/  
David J. Cushing  
Registration No. 28,703